

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Bruce Allen Buckner,

PLAINTIFF

v.

York County Solicitor Daniel Porter,

DEFENDANT.

Case No. 0:21-cv-3873-TLW

Order

Plaintiff Allen Buckner, proceeding pro se and in forma pauperis, alleges violations of his constitutional rights by York County Solicitor Daniel Porter (“Defendant”). The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 11. In the R&R, the magistrate judge recommends that the Complaint be dismissed with prejudice pursuant to prosecutorial immunity and *Heck v. Humphrey*, 512 U.S. 477 (1994). Plaintiff filed objections to the R&R, but his objections do not address the substance of the Report. *See* ECF No. 17. This matter is now ripe for decision. In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed,

in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report is **ACCEPTED**. Plaintiff's objections are **OVERRULED**. His Complaint is hereby **DISMISSED WITH PREJUDICE**.¹

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

May 6, 2022
Columbia, South Carolina

¹ The remaining outstanding motions, ECF Nos. 18, 22, 25, 28, 29 are hereby denied as moot.